

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

R. CATHY REARDON, *on behalf of  
herself and all similarly situated  
individuals,*

Plaintiff,

v.

CLOSETMAID CORPORATION,

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

No. 2:08-cv-01730

Judge Mark R. Hornak

***Electronically Filed***

**DEFENDANT'S PROPOSED VERDICT SLIP**

Defendant ClosetMaid Corporation ("ClosetMaid"), by and through its undersigned attorneys, and in accordance with the Court's December 6, 2013 Order, files the within Proposed Verdict Slip.

1. Disclosure Class Claim.

- A. What amount of statutory damages per class member do you award? (No less than \$100 and no more than \$1,000).

Answer: \$\_\_\_\_\_.

Please proceed to Question 2.A.

2. Ms. Reardon's Pre-Adverse Action Sub-Class Claim.

- A. Did Ms. Reardon prove by a preponderance of the evidence that ClosetMaid did not provide her with a copy of her consumer report and a description of rights under the Fair Credit Reporting Act before taking the adverse action of not hiring her?

( ) Yes

( ) No

If your answer is "YES," your Verdict is for Ms. Reardon on this claim. Please proceed to Question 2.B.

If you answer "NO," your Verdict is for ClosetMaid on this claim. Please proceed to Question 3.

- B. Did Mr. Reardon prove by a preponderance of the evidence that ClosetMaid willfully failed to comply with Section 1681b(b)(3) when it did not provide Ms. Reardon with a copy of her consumer report and a description of rights under the Fair Credit Reporting Act before taking the adverse action of not hiring her

( ) Yes ( ) No

If your answer is "YES," please go to Question 2.C.

If you answer "NO," please go to Question 3.

- C. What amount of statutory damages do you award to Ms. Reardon? (No less than \$100 and no more than \$1,000).

Answer: \$\_\_\_\_\_.

Please proceed to Question 3.

3. Pre-Adverse Action Subclass Claims<sup>1</sup>.

- A. For each member of the Pre-Adverse Action subclass, please answer the following questions:

- (i) Did Plaintiffs prove by a preponderance of the evidence that \_\_\_\_\_'s [insert name] consumer report actually play a role in ClosetMaid's decision-making process?

( ) Yes ( ) No

If your answer is "YES," please proceed to Question 3.A.(ii)

---

<sup>1</sup> ClosetMaid proposes to restate the progression of interrogatories in Section 3 for each member of the subclass by name.

If you answer "NO," your Verdict is for ClosetMaid for this subclass member. Please proceed to Question 3A.(i) for the next sub-class member.

(ii) Did Plaintiffs prove by a preponderance of the evidence that \_\_\_\_\_'s [insert name] consumer report had a determinative influence, that is, was it the but-for cause, of ClosetMaid's decision not to hire him/her?

( ) Yes

( ) No

If your answer is "YES," your Verdict is for the named subclass member. Please proceed to Question 3.B.(iii)

If you answer "NO," your Verdict is for ClosetMaid for this subclass member. Please proceed to Question 3A.(i) for the next sub-class member.

(iii) Did Plaintiffs prove by a preponderance of the evidence that ClosetMaid willfully failed to comply with Section 1681b(b)(3) when it did not provide \_\_\_\_\_ [insert name] with a copy of his/her consumer report and a description of rights under the Fair Credit Reporting Act before taking the adverse action of not hiring him/her.

( ) Yes

( ) No

If your answer is "YES," your Verdict is for the named subclass member. Please proceed to Question 3.B.

If you answer "NO," your Verdict is for ClosetMaid regarding the named subclass member. Please return to Question 3.A.(i). for the next named subclass member.

B. You have determined that Plaintiffs have proven by a preponderance of the evidence that ClosetMaid willfully failed to comply with Section 1681b(b)(3) when it did not provide \_\_\_\_\_ [insert name] with a copy of his/her consumer report and a description of rights under the Fair Credit Reporting Act before taking the adverse action of not hiring him/her.

What amount of statutory damages do you award to \_\_\_\_\_ [insert name]? (No less than \$100 and no more than \$1,000).

Answer: \$ \_\_\_\_\_.

Please return to Question 3.A.(i). for the next named subclass member.

Respectfully submitted,

**OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.**

/s/ W. Scott Hardy

W. Scott Hardy, Esq.

PA I.D. No. 79225

scott.hardy@ogletreedeakins.com

Philip K. Kontul, Esq.

PA I.D. No. 94156

philip.kontul@ogletreedeakins.com

One PPG Place, Suite 1900

Pittsburgh, PA 15222-1237

Telephone: (412) 394-3333

Facsimile: (412) 232-1799

Counsel for ClosetMaid Corporation

Dated: December 13, 2013